

United States District Court  
For the Northern District of California

10 MALIBU MEDIA, LLC,

11 Plaintiff,

No. C 16-00998 WHA

12 v.

13 JOHN DOE SUBSCRIBER ASSIGNED  
14 IP ADDRESS 50.184.240.227,

15 Defendant.

**ORDER GRANTING EX PARTE  
MOTION FOR LEAVE TO SERVE  
THIRD-PARTY SUBPOENA PRIOR  
TO RULE 26(f) CONFERENCE**

16 Plaintiff, Malibu Media, LLC, alleges that it owns registered copyrights in various  
17 pornographic films and that John Doe defendant directly infringed those copyrights by  
18 distributing the films on the Internet, using the above-captioned IP address. Malibu Media now  
19 seeks leave to serve a subpoena on third party Comcast Cable Communications, LLC, in order  
20 to ascertain the identity of the subscriber using that IP address prior to a Rule 26(f) conference.

21 Malibu Media's motion is hereby **GRANTED**. This is without prejudice to any motions  
22 to quash or modify the subpoena that may be filed by any interested party, including Comcast or  
23 the subscriber assigned to the IP address. Furthermore, the following limitations apply:

- 24 • The subpoena shall only request the actual name and address of the  
25 subscriber to whom Comcast assigned the above-captioned IP address.
- 26 • The subpoena shall only seek the name and address of the subscriber for  
27 the time frame from **FOURTEEN DAYS BEFORE** the date of the first alleged  
infringing act to **FOURTEEN DAYS AFTER** the date of the last alleged  
infringing act.

- 1       • Malibu Media shall attach a copy of this order to the subpoena.
- 2       • Malibu Media may not use any information disclosed by Comcast for any  
3       purpose other than protecting its rights as set forth in the complaint.
- 4       • Comcast shall, in turn, serve a copy of the subpoena and a copy of this  
5       order on the subscriber within **TWENTY-FOUR DAYS** of the date of service  
6       on Comcast.
- 7       • The return date on the subpoena shall be no less than **FORTY-FIVE DAYS**  
8       from the date of service on Comcast. Comcast shall not disclose any  
9       identifying information about defendant to Malibu Media prior to the  
10      return date or prior to the resolution of any motions to quash or modify  
11      the subpoena.
- 12      • Malibu Media shall not disclose defendant's name, address, telephone  
13      number, email, social media username, or any other identifying  
14      information, other than defendant's IP address, that it may subsequently  
15      learn. All documents including defendant's identifying information,  
16      apart from his or her IP address, shall be filed under seal, with all such  
17      information redacted on the public docket, unless and until the Court  
18      orders otherwise and only after defendant has had an opportunity to  
19      challenge the disclosure of any identifying information. Malibu Media  
20      explicitly consented to the inclusion of such a protection in its motion.
- 21      • Malibu Media must seek leave to serve subpoenas on any other service  
22      provider besides Comcast in this matter.

23           Any motions relating to the subpoena or the protective order discussed above shall be  
24      filed prior to the return date of the subpoena.

25           **IT IS SO ORDERED.**

26           Dated: March 23, 2016.

27             
28           WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE